



GEORGIA M. PESTANA  
*Corporation Counsel*

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, N.Y. 10007

BRIAN FRANCOLLA  
*Senior Counsel*  
phone: (212) 356-3527  
fax: (212) 356-3509  
bfrancol@law.nyc.gov

November 10, 2021

**BY ECF**

Honorable Lewis A. Kaplan  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Abdelrahman Hassab el Nabi v. City of New York, et al.  
21 Civ. 3768 (LAK)

Your Honor:

I am a Senior Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, and the attorney assigned to represent defendants City of New York, Sergeant Matthew Tocco, Police Officer Stephen Centore, and Deputy Inspector Elias Nikas. In that capacity, I write jointly with plaintiff's counsel, Gabriel Harvis, Esq., to respectfully request that this case be removed from the Southern District of New York's Plan for Certain Section 1983 Cases against The City of New York (the "Section 1983 Plan"). The reason for this request is that having reviewed the requisite limited discovery required by the Section 1983 Plan to date, defendants are not interested in settlement at this time. In light of that position, the parties agree that further engagement in the mediation process would not be a fruitful use of time and resources for all who would be involved. Should the Court grant this request, the parties are prepared to set a schedule for the remainder of discovery either via participation in an initial conference or, should the Court prefer, we can submit a proposed schedule by letter under separate cover.

Defendants thanks the Court for its consideration herein.

Respectfully submitted,

/s/

Brian Francolla  
*Senior Counsel*  
Special Federal Litigation Division

cc: Baree N. Fett, Esq. (by ECF)  
Gabriel P. Harvis, Esq. (by ECF)  
*Attorneys for Plaintiff*